

Z-5-2014**Lawrence Aposhian****6570-6586 West 3500 South****Zone Change from A to C-1****2.37 acres**

Lawrence Aposhian has submitted a zone change application for property located at 6570/6586 West 3500 South. The property is currently zoned A (agricultural with an ½ acre lot minimum) with a General Plan designation of mixed use. The proposed zone is C-1 (neighborhood commercial).

Surrounding zones include R-1-8 to the west and south and A to the north and east. Surrounding land uses include Aposhian Farm property to the north and east and single family residential on the remaining sides.

There is currently a home that is used as a rental property that is located on the parcel adjacent to 3500 South. This use is currently not licensed at this time. The other parcel contains the garden center and greenhouse area for the Aposhian Farms retail business. If this application is approved, Mr. Aposhian plans to develop the property into a reception center and outdoor garden space. This use would be reviewed as a conditional use in a C-1 zone, therefore the specific site requirements will be evaluated at that time.

Currently the right-of-way along 3500 South is dedicated to 66' and the major street plan shows this area requires a 106' right-of-way. Staff recommends a development agreement be used to secure the additional right-of-way.

The applicant has indicated that the rental home adjacent to 3500 South will eventually be demolished and the garden space will be expanded on to the adjacent properties and would include other compatible boutique type retail uses (i.e, photography studio, small restaurant, etc.) that would help perpetuate a public non-profit garden type facility.

The following are important considerations the Planning Commission should weigh while reviewing this application:

1. The property has historically been used for commercial purposes. Mr. Aposhian has operated his nursery and sod related business on this property since the 1970's (C-265-1975).
2. The General Plan currently recommends a mixed use designation for this area which includes retail, office and high density residential.
3. The intended use as outlined by Mr. Aposhian will remain somewhat low-impact. The reception center use will be monitored by people that live directly on-site and the future expansion of the gardens will help perpetuate the existence of open space for the future.
4. There is currently no other commercial use located adjacent to or within 1,000 feet of this property.
5. The property is directly adjacent to residential property so intensifying the use here could negatively impact the adjacent owners.
6. The C-1 zone does allow for a variety of types of uses that may not be desirable at this location.

A copy of the concept plan is attached to this report. Also attached is a letter from the applicant that outlines the reasons why he is proposing the change.

Staff Alternatives:

1. Approval
 - a. Approval of the zone change to C-1 subject to a development agreement that specifies the following:
 - i. Property shall be dedicated to a 106' right-of-way along 3500 South.
2. Continuance, for reasons determined during the public hearing.
3. Denial, the property should remain residential.

Applicant:

Lawrence Aposhian
6570 W 3500 S

Applicant:

Tamara Aposhian
6570 W 3500 S

Discussion: Jody Knapp presented the application. Jack Matheson asked if there will be enough parking for a reception center. Jody replied that there would likely need to be 60 parking stalls based on the proposed size of the building and Mr. Aposhian feels confident he will have enough room to provide this.

Lawrence Aposhian, the applicant, stated that his objective is to create a place for events and also to expand the gardens on this property and keep it as open space for the future. Barbara Thomas asked if the road leading back to the proposed reception center is wide enough or if it will need to be expanded. Mr. Aposhian replied that this may need to be widened depending on the Fire Department review. He indicated a lot of this will need to be addressed at the conditional use phase of the process. He stated that another option could be to have a one way road to the east on a separate parcel that he owns and have it loop to the west. Barbara Thomas asked if the turf farming business that was approved will still be operating at this location. Mr. Aposhian replied that the business rented out a facility in North Salt Lake in order to fulfill orders. He indicated that they may still utilize his property since they need more space in the future. Barbara Thomas asked if there is landscaping that will need to be redone. Mr. Aposhian replied that he would prefer to widen the road when the rental house is torn down but this hasn't been determined yet. Vice-Chairman Thomas stated that there is a large berm that may need to be removed for visibility. Jack Matheson asked where the existing pond gets its water. Mr. Aposhian replied that he installed it and it was used for irrigation. Any potential ponds in the future would be for landscaping. Latai Tupou asked if a fence will be constructed. Mr. Aposhian replied that he would like to keep the existing trees and shrubs if he is able but will install a fence if it is required.

Tamara Aposhian, representing the applicant, stated that the City needs more open space. She indicated that there is a great sense of urgency to save what is still vacant in West Valley and it is her family's goal to provide open space. Vice-Chairman Thomas asked if the family was looking into a non-profit association. Ms. Aposhian replied yes and indicated that her family would like to pattern the property after places like Thanksgiving Point and Red Butte Gardens.

Vice-Chairman Thomas stated that she is concerned about opening this property up to all the potential businesses allowed in a C-1 zone. Brent Fuller agreed and asked if a Development

Agreement could restrict harsher uses. Jody replied that this could be looked at but is often difficult to keep track of. Commissioner Fuller stated that he would like staff to look into something to provide to City Council.

Motion: Commissioner Fuller moved for approval subject to the staff conditions and adding that staff will work with the applicant to define what is allowed on this property for the 'C-1' zone.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Tupou	Yes
Commissioner Woodruff	Yes
Vice- Chairman Thomas	Yes

Unanimous-Z-5-2014- Approved